

**REMARKS**

This Amendment is responsive to the Final Action dated December 5, 2003. The claim amendments included herein are merely clarifying amendments and are not meant to change the intended scope of the claims. Thus, the amendments present the rejected claims in better form for consideration on appeal, and they should be entered in due course. Moreover, the amendments are manifest, requiring only a cursory review by the Examiner, thereby providing additional ground for their entry.

Claims 1-10 were pending in the application. In the Office Action, claims 1-5 and 8-10 were rejected, and claims 6 and 7 were objected to. In this Amendment, claims 1-3, 6 and 9 have been amended. Claims 1-10 thus remain for consideration.

Applicant submits that claims 1-10 are in condition for allowance and requests reconsideration and withdrawal of the rejections in light of the following remarks.

**§102 and §103 Rejections**

Claims 1-5, 9 and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by Ottensooser (U.S. Patent No.: 5,905,856).

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ottensooser in view of Tse (U.S. Patent No.: 5,742,754).

Applicant submits that the independent claims (claims 1 and 9) are patentable over Ottensooser.

As mentioned in the prior Amendment, in Applicant's claims, the "test application" is the application to be tested, rather than any application for conducting a test. In this regard, the present Amendment replaces the terminology "test application" with "application to be tested."

Referring to Figure 1 of Ottensooser, the system under test 10 appears to be equivalent to Applicant's "application to be tested." Although it appears that the system of Ottensooser could be used with various "systems under test," there is no disclosure of storing multiple "systems under test" and allowing selection between them.

A useful section of Ottensooser to which to refer is line 66 of column 4 to line 37 of column 5. In particular, in lines 7 to 26 of column 5, the test scripts and test plans of Ottensooser are described. Various test scripts and test plans may be developed, but it should be noted that all of these seem to be in respect of the one "system under test" 10. The test scripts are input to the system under test 10 to prompt performance of a function or transaction. On the other hand, a test plan invokes a selected sequence of scripts and, for each script, details the parameter inputs and any outputs that the plan expects for the transaction (in the "system under test" 10).

We acknowledge that, for Ottensooser, a combination of the "system under test," one or more test scripts and a test plan could be considered as some sort of test scenario. Furthermore, the test plan of Ottensooser could be considered as selecting how to run the system under test. However, with Applicant's invention, it is additionally possible to select how the application to be tested (the "system under test") is prepared and the application to be tested (the "system under test") is itself actually built by the test automation framework according to the selection.

In summary, Ottensooser allows the test administrator to devise a test for the "system under test" on the basis of a test plan which itself may invoke one or more test scripts. In contrast, the test scenarios of Applicant's invention each include an application to be tested (equivalent to the system under test of Ottensooser), together with at least one input and an expected output. Applicant's test automation framework allows not only a selection of tests to be performed on the application to be tested, but also allows the building (as well as running and verification) of the application to be tested to be controlled by input selection.

As explained at the bottom on page 6 of the text of Applicant's specification, new code developed by a software developer will often be combined with other code to form the test application. For instance, new code may have a number of different uses in different applications, for example for different operating systems. Systems such as that described in Ottensooser still do not offer sufficient flexibility to take account of this. Accordingly, in Ottensooser-type systems test plans have to be devised for specific "systems under test."

With reference to Section 3 of the Office Action and also claims 1 and 9, it is submitted that to the extent that Ottensooser can be considered as describing a test scenario, the "system under test" is equivalent to the "application to be tested" in the present invention, the test scripts are equivalent to the inputs of the present invention and the test plan is equivalent to the expected output of the present invention. It seems, then, that Ottensooser cannot disclose any input selection element which allow selection of how to prepare the application to be tested; according to Ottensooser, selection is possible with regard to the test scripts and test plan, but not the "system under test."

Similarly, Ottensooser does not describe a select element for selecting an application to be tested. To the extent that Ottensooser allows selection, this is with regard to the test scripts and test plan and not the "system under test."

Following on from the above, it should be clear that, similarly, Ottensooser does not describe any prepare element for building the application to be tested according to the results of input selection. Ottensooser may consider developing some sort of test with regard to the test plan and the various test scripts. However, the "system under test" (equivalent to the application to be tested in the present invention) appears to be fixed, or at least already built.

In the paragraph bridging pages 5 and 6 of the Office Action, the Examiner seems to have misunderstood the teaching of Ottensooser. We agree that the test plan invokes a sequence of test scripts selected from a set of test scripts. However, the test scripts are what are used to test the "system under test" or "application to be tested". According to Ottensooser, it may be possible to select (by means of a test plan) various test scripts. However, there appears to be no teaching of selecting different "systems under test." In this regard, Ottensooser does not really disclose a test scenario of the type considered by Applicant's invention. Although Ottensooser includes a "system under test," together with test scripts and a test plan, there is no contemplation of providing a plurality of test scenarios, each with independent respective applications to be tested, inputs and outputs.

Interview Request

In view of the foregoing it is urged that the present claims are in condition for allowance, which action is earnestly solicited. However, should the Examiner be of a different opinion, it is requested that he telephone the undersigned before issuing an Advisory Action in order to discuss any outstanding issues.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

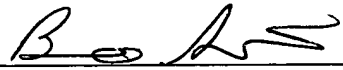
Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

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